

# EXHIBIT Q

HEARING

Page 1

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

LG. PHILIPS LCD	)	
COMPANY LTD.,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	04-343 (JJF)
v.	)	
	)	
TATUNG COMPANY,	)	
TATUNG COMPANY OF	)	
AMERICA, INC.; and	)	
VIEWSONIC	)	
CORPORATION,	)	
	)	
Defendants.	)	

Special Master's Hearing taken at the Law  
Offices of Blank Rome, LLP, 1201 North Market Street,  
Suite 800, Wilmington, Delaware, beginning at 2:00 p.m.,  
on Friday, September 21, 2007, before Ellen Corbett  
Hannum, Registered Merit Reporter.

- - -

BEFORE: THE HONORABLE VINCENT J. POPPITI, SPECIAL MASTER

- - -

CORBETT & WILCOX  
Registered Professional Reporters  
The Parcels Building - 230 N. Market Street  
Wilmington, DE 19801  
(302) 571-0510  
www.corbettreporting.com  
Corbett & Wilcox is not affiliated with Wilcox & Fetzer,  
Court Reporters

## HEARING

2 (Pages 2 to 5)

Page 2	Page 4
<p>1 APPEARANCES:  2 THE BAYARD FIRM  3 BY: RICHARD D. KIRK, ESQ., and  4 STEPHEN B. BRAUERMAN, ESQ.  5 and  6 McKENNA LONG &amp; ALDRIDGE, LLP  7 BY: CASS W. CHRISTENSON, ESQ., and  8 REL S. AMBROZY, ESQ.  9 (Washington, District of Columbia)  10 Counsel for LG Philips  11 LCD Company Ltd.  12  13 RICHARDS LAYTON &amp; FINGER  14 BY: ANNE SHEA GAZA, ESQ.  15 and  16 GREENBERG TRAURIG LLP  17 BY: FRANK E. MERIDETH, JR., ESQ.  18 MARK H. KRIETZMAN, ESQ.  19 (Santa Monica, California)  20 Counsel on behalf of  21 Tatung Co. and Tatung  22 Company of America  23 Inc.  24  25 CONNOLLY BOVE LODGE &amp; HUTZ, LLP  26 BY: JEFFREY B. BOVE, ESQ., and  27 KRISTEN HEALY CRAMER, ESQ.  28 and  29 CONNOLLY BOVE LODGE &amp; HUTZ, LLP  30 BY: SCOTT R. MILLER, ESQ.  31 (Los Angeles, California)  32 and  33 RASKIN PETER RUBIN &amp; SIMON  34 BY: TRACY R. ROMAN, ESQ.  35 (Los Angeles, California)  36 Counsel on behalf of  37 ViewSonic Corporation  38  39 SPECIAL MASTER POPPITI: If I can find</p>	<p>1 MR. MILLER: Your Honor, it's Scott  2 Miller for ViewSonic Corporation.  3 Just to try to be efficient, I don't  4 know if you want us to discuss the entire aspect of the  5 motion or just if you have particular questions you want  6 us to address.  7 SPECIAL MASTER POPPITI: Well, I guess  8 the difficulty is this -- and I thought of this as I was  9 going through it. If I had the time, I certainly would  10 have been making a running chart consistent with your  11 respective references to the transcripts. And,  12 obviously, time did not, didn't permit me to do that. I  13 really think it would be important for you to, No. 1,  14 focus on -- maybe this is just a question -- and forgive  15 me if I'm not as tightly focused as I like to think I  16 usually am with respect to these submittals.  17 Is it fair for me to understand that  18 when there was an effort to get information with respect  19 to certain model numbers, that those numbers reflect  20 information that was received as a result of the later  21 production or they reflect information that you are  22 trying to gather for earlier identified model numbers in  23 light of later production?  24 Is that a fair question? Do you</p>
Page 3	Page 5
<p>1 out who is on, please. We can do a roll call.  2 MR. BOVE: Your Honor, for ViewSonic in  3 Wilmington, Jeff Bove and Kristen Cramer.  4 SPECIAL MASTER POPPITI: Thank you.  5 MR. MILLER: In Washington, it's Scott  6 Miller and, also, Tracy Roman from the Raskin Peter firm.  7 SPECIAL MASTER POPPITI: Thank you.  8 MR. KIRK: This is Dick Kirk from The  9 Bayard Firm here in Wilmington for the plaintiff, LG.  10 Phillips, LCD Co., Ltd., on the line should be my  11 colleagues from McKenna Long.  12 MS. GAZA: Your Honor, Anne Gaza as well  13 from Richards Layton; Frank Merideth is on the line from  14 Greenberg Traurig.  15 MR. KIRK: This is Dick Kirk again.  16 Are my colleagues from McKenna on?  17 MR. CHRISTENSON: Yes. This is Cass  18 Christenson and Rel Ambrozy.  19 SPECIAL MASTER POPPITI: Thank you.  20 Counsel, I have been through your  21 respective filings and I hope I have a good sense of what  22 messages they are trying to convey. As you know, they  23 started to come in around 10:30 this morning. So let's  24 start and see how far we go, how far we get, please.</p>	<p>1 understand the question?  2 MR. MILLER: I understand your question.  3 I think there was one product that we asked about where  4 we had a product document back before the recent  5 production. That's Exhibit 80. We had that document  6 previously.  7 SPECIAL MASTER POPPITI: Right. That's  8 what I thought.  9 MR. MILLER: Any of the other  10 documents -- and we had additional documents with regard  11 to the product, which is Exhibit 80, the technical  12 documents showing detailed drawings of that product were  13 produced as part of the recent production. And so it's  14 not a situation where the questions relating to Exhibit  15 80 are not tied to the recent production. In fact, the  16 detailed-drawings are the subject matter of the recent  17 production.  18 SPECIAL MASTER POPPITI: And I thought  19 that. I just wanted to make sure of that and wanted to  20 make sure that the record reflected that.  21 MR. MILLER: Sure. Your Honor, if it  22 would be helpful, I can sort of walk through some points  23 to respond to the issues that were raised by LPL.  24 SPECIAL MASTER POPPITI: I think that</p>

## HEARING

3 (Pages 6 to 9)

Page 6	Page 8
<p>1 would be helpful, and I do want you to spend some time 2 focusing on your view of what your questions were 3 designed to elicit, because I think it's fair to say -- 4 and I don't mean this pejoratively in any way, looking at 5 your respective views of these things, it looked like you 6 were in two different rooms for this deposition. 7 MR. MILLER: Okay. I can understand how 8 you might come to that conclusion, Your Honor. 9 MR. CHRISTENSON: Your Honor, this is 10 Cass Christenson. 11 As a point of clarification, responding 12 to your earlier question, to make sure we are on the same 13 page, I think my understanding is there were really two 14 products that were being addressed, and one of them 15 related to Exhibit 80, which is the document that was 16 produced earlier in the case. 17 SPECIAL MASTER POPPITI: Right. Then we 18 are on the same page. 19 MR. MILLER: Your Honor, I think the 20 record shows that there were a number of products that we 21 asked about in the exhibits 76, 77, 78 all relate to 22 different products, I believe 79, as well. But moving to 23 just the substance of the issues -- 24 SPECIAL MASTER POPPITI: Please.</p>	<p>1 ordered us to have a meet and confer in advance of the 2 call the next day of August the 17th. 3 SPECIAL MASTER POPPITI: I recall that. 4 MR. MILLER: We had that meet and 5 confer. And at that discussion I explained to 6 Mr. Christenson, which I also explained to Your Honor on 7 the record on the 17th, that it simply was not possible 8 for us to have a closed end list, but we were perfectly 9 prepared to work with LPL, provided they could provide us 10 with information that they had indicated previously was 11 somewhat available to them, and namely, this whole issue 12 about the family of products. And where there is a 13 family of products that would have no difference as it 14 might relate to mounting configurations, that they could 15 provide us with a list of those products and we would be 16 able to narrow the product list down to the products that 17 would be at issue. And if you look at the transcript, 18 for example, of the August 17th hearing. 19 SPECIAL MASTER POPPITI: Now, point me 20 -- what I have done for purposes of this hearing is I 21 have used the documents and transcripts that you have 22 submitted so I have not pulled my own transcripts. 23 MR. MILLER: And I don't think we 24 submitted this because we didn't think this was going to</p>
Page 7	Page 9
<p>1 MR. MILLER: Looking at the document 2 filed by LPL -- and I will just go through in the order 3 in which they have addressed them in their presentation. 4 The first question is the issues relating to the 5 preparation for the deposition and the appropriate -- 6 SPECIAL MASTER POPPITI: Did someone 7 else just join? 8 MR. KRIETZMAN: Yes. This is Mark 9 Krietzman joining. I apologize for being late, Your 10 Honor. 11 SPECIAL MASTER POPPITI: Thank you, sir. 12 That's all right. 13 MR. MILLER: In talking about the 14 understanding of the scope of the deposition and the 15 products that were going to be at issue, and what LPL has 16 done in their filing is point to a discussion during the 17 August 16th hearing where Ms. Roman indicated, in 18 response to the colloquy, that she would discuss the 19 matter with the people who had been looking at the 20 documents and see whether or not it was possible to try 21 to provide LPL with a closed universe of products that we 22 would be having as the subject matter of the deposition. 23 SPECIAL MASTER POPPITI: Right. 24 MR. MILLER: And you may recall you</p>	<p>1 be a controversial issue. It is in the August 17th 2 transcript, and we did not submit that transcript 3 because, as I say, we did not understand there was going 4 to be this kind of differentiation in terms of what was 5 agreed to. But I am happy to read from the transcript or 6 if the transcript is available to you or I may be able to 7 e-mail it to you in short order. 8 SPECIAL MASTER POPPITI: No. One 9 second. 10 We will pull that, but for purposes of 11 moving it along, why don't you read that to me, please. 12 MR. MILLER: In the transcript, 13 beginning on page 10 Mr. Christenson reports to the Court 14 his understanding of what transpired during the meet and 15 confer. And he says on page 11, starting at line 13: 16 "When I talked to Mr. Miller in the meet and confer, he 17 essentially reverted back to the original position of 18 ViewSonic before yesterday's hearing, which was 19 everything is in play, all of the products for which LPL 20 has produced documents should be within the scope of this 21 deposition. And then went back into the realm of, well, 22 up to perhaps 100 products being addressed." 23 And the transcript goes on from there. 24 But the colloquy then continues, starting on page 30, of</p>

## HEARING

4 (Pages 10 to 13)

Page 10	Page 12
<p>1 the August 17th transcript, starting at line 3:</p> <p>2 "SPECIAL MASTER POPPITI: Is it fair to</p> <p>3 ask that you, as the path goes forward in this</p> <p>4 deposition, if there is a determination made or if</p> <p>5 determinations are made to carve down the 70 to a lower</p> <p>6 number that you would be willing to advise of those that</p> <p>7 are going to be carved out?</p> <p>8 "MR. MILLER: Yes, we would. And, in</p> <p>9 fact, I advised Mr. Christenson today when he raised for</p> <p>10 us, for the first time in the phone call, about samples,</p> <p>11 maybe that there are products that have the same mounting</p> <p>12 or fastening element configurations and the difference</p> <p>13 between these different models may not be relevant to</p> <p>14 this case. And I advised him, as well, that we could</p> <p>15 reduce the number of products at issue by the same sort</p> <p>16 of calculus for products identified in drawings if they</p> <p>17 could tell us which ones or if we could otherwise</p> <p>18 determine on our own which ones have the same structure</p> <p>19 and issues involved so we don't need to depose a witness</p> <p>20 on two different products if they are identical for</p> <p>21 purposes of this case."</p> <p>22 SPECIAL MASTER POPPITI: Right. I</p> <p>23 recall that. And that certainly related to requests</p> <p>24 dealing with the family.</p>	<p>1 The colloquy goes on for a while</p> <p>2 SPECIAL MASTER POPPITI: And I do have</p> <p>3 the transcripts in front of me now.</p> <p>4 MR. MILLER: Okay. And I am now on page</p> <p>5 34.</p> <p>6 SPECIAL MASTER POPPITI: Okay.</p> <p>7 MR. MILLER: Actually on -- well, the</p> <p>8 colloquy continues from where we left off on page 34 and</p> <p>9 goes on to page 35, starting at line 12 where</p> <p>10 Mr. Christenson says: "Your Honor, I am happy to talk to</p> <p>11 our client about that. It's one of the issues I was</p> <p>12 planning to talk to them about. I don't know whether or</p> <p>13 not we are going to be in a position to tell them the two</p> <p>14 products in the same family members are, you know. I</p> <p>15 guess the question would be what part of the</p> <p>16 representation that they are the same for all purposes."</p> <p>17 And so I think where we left this whole</p> <p>18 discussion was that Mr. Christenson was going to work</p> <p>19 with his clients to see whether or not there was a way</p> <p>20 that they could provide us with information about product</p> <p>21 families that would somehow be able to narrow the scope</p> <p>22 of the deposition. And, in fact, on page 36 of the</p> <p>23 transcript, starting at line 1, Mr. Christenson says:</p> <p>24 "As I told Mr. Miller, if we don't already have a list of</p>
Page 11	Page 13
<p>1 MR. MILLER: And it went on. There was</p> <p>2 some additional colloquy between yourself and</p> <p>3 Mr. Christenson. And then at page 33, starting at line</p> <p>4 7, the important discussion here is:</p> <p>5 "SPECIAL MASTER POPPITI: I think I</p> <p>6 heard two things. I think I heard that the present</p> <p>7 universe is 70. I heard that there will be, when</p> <p>8 judgments are made with respect to paring down the</p> <p>9 universe for whatever reason, they are willing to advise</p> <p>10 that a product is no longer in play. But I think I also</p> <p>11 heard Mr. Miller say that if you are willing to engage</p> <p>12 him in, as he described, they will in turn be in a</p> <p>13 position to narrow it down even further, then they would</p> <p>14 be better informed. That's at least generally what I</p> <p>15 thought I heard. Mr. Miller." Mr. Miller says: Yes,</p> <p>16 Your Honor. That is exactly correct.</p> <p>17 "SPECIAL MASTER POPPITI: It is clearly</p> <p>18 not a matter of my directing that that occur, but if we</p> <p>19 are looking for efficiencies here and the burden is what</p> <p>20 is in terms of the new production. I don't know how</p> <p>21 long -- no one has talked to me about how long or whether</p> <p>22 it is important to focus on it in this way, but how long</p> <p>23 anyone could expect a witness is going to be deposed with</p> <p>24 respect to each product."</p>	<p>1 the products that are reflected on our document</p> <p>2 production, that's certainly something that we can look</p> <p>3 at and try to identify them so we can talk about whether</p> <p>4 we can use that list to create efficiencies. Now that is</p> <p>5 something I certainly will do."</p> <p>6 I will just note for the record that</p> <p>7 Exhibit 2 to the filing today is the first time I have</p> <p>8 gotten a list from LPL of the product model numbers that</p> <p>9 were involved in the recent discovery. So the fact of</p> <p>10 the matter is here that this is not a situation where LPL</p> <p>11 was burdened, other than by their own decisions not to</p> <p>12 participate in trying to assist the defendants in</p> <p>13 achieving efficiencies that might be able to be achieved.</p> <p>14 Instead they, I believe, chose the path of saying, We</p> <p>15 will let you find it out through discovery in the</p> <p>16 deposition; which is exactly what I think we tried to do.</p> <p>17 When one looks at the questions that were asked, and in</p> <p>18 the five products --</p> <p>19 SPECIAL MASTER POPPITI: Mr. Miller,</p> <p>20 give me one moment. I know I have Exhibit 2 in front of</p> <p>21 me. I just want to see the reference in LPL's filing to</p> <p>22 Exhibit 2. I do see it. I was just seeing if there was</p> <p>23 a reference as to when it was provided to you. And you</p> <p>24 are telling me that the first time you have seen this</p>



## HEARING

5 (Pages 14 to 17)

Page 14	Page 16
<p>1 list is in conjunction with the filing made today?</p> <p>2 MR. MILLER: That's the first time I</p> <p>3 have seen it.</p> <p>4 SPECIAL MASTER POPPITI: Okay.</p> <p>5 MR. MILLER: So we know also from the</p> <p>6 August 17th hearing that Mr. Christenson acknowledged</p> <p>7 that at least the one product, the -- what has been</p> <p>8 referred to as the Lucky Gold Star product.</p> <p>9 SPECIAL MASTER POPPITI: Yes.</p> <p>10 MR. MILLER: The product LC056N1, which</p> <p>11 is the subject of Exhibit 78, was clearly in controversy</p> <p>12 for part of this deposition. Yet, when one looks at the</p> <p>13 testimony that was given in this deposition thus far with</p> <p>14 regard to the products, we get absolutely no information</p> <p>15 whatsoever.</p> <p>16 SPECIAL MASTER POPPITI: Why don't you</p> <p>17 give me just a few examples for the record. I know you</p> <p>18 have laid them out for me in your submittal, but I think</p> <p>19 it would help for purposes of having this record flow.</p> <p>20 MR. MILLER: Sure. Well, let me just</p> <p>21 talk a little bit about the questions that were asked,</p> <p>22 because there was an issue raised about whether or not</p> <p>23 the questions that were asked in fact sought to elicit</p> <p>24 proper information.</p>	<p>1 where is the reference, please?</p> <p>2 MR. MILLER: That is LV --</p> <p>3 SPECIAL MASTER POPPITI: No. I'm sorry.</p> <p>4 Where is the reference in the transcript?</p> <p>5 MR. MILLER: Page 45, line 10.</p> <p>6 SPECIAL MASTER POPPITI: Which one,</p> <p>7 please?</p> <p>8 MR. MILLER: Volume 1.</p> <p>9 SPECIAL MASTER POPPITI: Volume 1, page</p> <p>10 45, line 10. Okay.</p> <p>11 MR. MILLER: Asking about in his</p> <p>12 conversation with the engineers: What did they tell you</p> <p>13 with regard to any screw holes that were contained on the</p> <p>14 back of the product model number that I've recited?</p> <p>15 And the witness's response was: No.</p> <p>16 And the following question:</p> <p>17 "Can you answer the question?"</p> <p>18 "No."</p> <p>19 Then I asked the question: "What</p> <p>20 questions did you ask Mr. Baek, the engineer, about how</p> <p>21 the product was intended to be mounted to another</p> <p>22 structure?"</p> <p>23 "ANSWER: I find your question rather</p> <p>24 vague, particularly as to mounting. I'm not sure what</p>
Page 15	Page 17
<p>1 SPECIAL MASTER POPPITI: Okay.</p> <p>2 MR. MILLER: The questions that were</p> <p>3 asked repeatedly asked whether or not the products as</p> <p>4 sold by LPL had any kind of feature, structure, any other</p> <p>5 word that we could use, including a mounting hole word,</p> <p>6 which was from LPL's own document, that a customer could</p> <p>7 use for purposes of attaching that product within a</p> <p>8 housing structure or to any other structure.</p> <p>9 What the witness attempted to -- what</p> <p>10 the witness testified to, as LPL said in their letter, is</p> <p>11 the witness testified that they don't know how a customer</p> <p>12 does attach it. And yet, not a single one of the</p> <p>13 questions that were asked sought the information about</p> <p>14 how is the product actually attached by a customer. In</p> <p>15 fact, it sought what structures, what features, what</p> <p>16 mounting holes does LPL provide that a customer could use</p> <p>17 for purposes or that is allowed, that allows a product to</p> <p>18 be connected or that would allow a product to be</p> <p>19 connected?</p> <p>20 So, for example, if you want transcript</p> <p>21 citations, there is a question: What were you told with</p> <p>22 regard to any screw holes that are contained on the back</p> <p>23 of the LV56ND01A product?</p> <p>24 SPECIAL MASTER POPPITI: Mr. Miller,</p>	<p>1 you are trying to ask about, so can you make it more</p> <p>2 specific."</p> <p>3 At one point in the transcript I asked</p> <p>4 him, I specifically articulated -- this is at page 65,</p> <p>5 starting at line 25.</p> <p>6 SPECIAL MASTER POPPITI: Just a moment,</p> <p>7 please. Okay.</p> <p>8 MR. MILLER: "QUESTION: "Well, your</p> <p>9 answer suggests that we still are not communicating, and</p> <p>10 that's why I'm asking this question. I want to</p> <p>11 differentiate between LPL's knowledge about how a</p> <p>12 customer actually makes the connection from LPL's</p> <p>13 knowledge about any feature on the product as LPL sells</p> <p>14 it that a customer can use to make a connection. Do you</p> <p>15 understand that distinction?"</p> <p>16 Then we get an objection from</p> <p>17 Mr. Ambrozy about vague and ambiguous and saying that</p> <p>18 am hagering the witness, and relates to legal</p> <p>19 conclusions, none of which we believe are proper</p> <p>20 objections.</p> <p>21 Then the witness says: "I have</p> <p>22 difficulty in understanding your question, because it is</p> <p>23 rather lengthy. If you manage to shorten your question</p> <p>24 and make it clearer, then that would help me answer your</p>

## HEARING

6 (Pages 18 to 21)

Page 18	Page 20
<p>1 question."</p> <p>2 SPECIAL MASTER POPPITI: Let me do this</p> <p>3 for purposes of framing the issue. I would like to hear</p> <p>4 LPL's response to the appropriateness of the question as</p> <p>5 asked, and I am specifically looking, then, at page 65</p> <p>6 and 66. 65 line 25, 66, 1 through 7.</p> <p>7 MR. CHRISTENSON: Your Honor, this is</p> <p>8 Cass Christenson for LPL. I do have some comments, I</p> <p>9 would like --</p> <p>10 SPECIAL MASTER POPPITI: No. I want you</p> <p>11 to answer my question, Mr. Christenson.</p> <p>12 MR. CHRISTENSON: Okay. Page 65, line</p> <p>13 25.</p> <p>14 SPECIAL MASTER POPPITI: 65, line 25</p> <p>15 through 7, that's the question. The objection is from</p> <p>16 line 8 through line 17. The objection is longer than the</p> <p>17 question, I would note. And I would like to know why the</p> <p>18 question is not a proper question.</p> <p>19 MR. CHRISTENSON: The problem with the</p> <p>20 question, Your Honor, is it's asking for a</p> <p>21 differentiation that LPL is not able to make. It's a</p> <p>22 differentiation that ViewSonic would like to make. They</p> <p>23 are trying to draw a distinction between how a product is</p> <p>24 mounted using features on the module and what features</p>	<p>1 MR. MILLER: Yes, you did, Your Honor.</p> <p>2 SPECIAL MASTER POPPITI: How is that</p> <p>3 inappropriate? Please walk me through your objection.</p> <p>4 Why is it vague? I understood it the first time I read</p> <p>5 it, and I didn't take five weeks to prepare. I know that</p> <p>6 sounds facetious, and I apologize for that. But this is</p> <p>7 the 30(b)(6) witness.</p> <p>8 MR. CHRISTENSON: Your Honor, I</p> <p>9 understand the question, and I understand the distinction</p> <p>10 that Mr. Miller was trying to make. What I am trying to</p> <p>11 suggest is that from LPL's perspective, they don't have</p> <p>12 any more information about what features are used to</p> <p>13 mount than they have about how the features are used to</p> <p>14 mount.</p> <p>15 SPECIAL MASTER POPPITI: That's not the</p> <p>16 question, Counsel. It's not what features are used to</p> <p>17 mount. It says any feature on the product that LPL sells</p> <p>18 that a customer can use to make a connection.</p> <p>19 MR. CHRISTENSON: And I think the</p> <p>20 ambiguity, Your Honor, is with respect to making the</p> <p>21 connection. There is no indication there as to what type</p> <p>22 of connection they are talking about. I mean, if there</p> <p>23 is an answer to the question that -- one way to construe</p> <p>24 the question would be that they are asking about how you</p>
Page 19	Page 21
<p>1 could be used to perform mounting. The problem from</p> <p>2 LPL's standpoint, as the witness testified, is that they</p> <p>3 don't know what the -- how the customers or set makers</p> <p>4 use different features to accomplish amounting.</p> <p>5 SPECIAL MASTER POPPITI: I understand</p> <p>6 that.</p> <p>7 MR. CHRISTENSON: Your Honor, in order</p> <p>8 to know what features correspond to mounting, LPL would</p> <p>9 need to understand how the products are mounted. The two</p> <p>10 things go together. We can't separate --</p> <p>11 SPECIAL MASTER POPPITI: Counsel, they</p> <p>12 may go together from your perspective, but this is</p> <p>13 discovery. And how you wrap it together at the end of</p> <p>14 all this, that's your theory of your case. But this is</p> <p>15 discovery.</p> <p>16 Why is the question inappropriate? I</p> <p>17 want to walk through. Objection, vague. Why is it</p> <p>18 vague? I understood it. This is not the first time that</p> <p>19 Mr. Miller made the distinction between, Tell me what</p> <p>20 your customers would do, as opposed to, You tell me what</p> <p>21 features are part of your product that could permit your</p> <p>22 customers to do certain things.</p> <p>23 Tell me why -- Mr. Miller, did I</p> <p>24 paraphrase your numerous questions correctly?</p>	<p>1 could connect to a housing, which is the only relevant</p> <p>2 question.</p> <p>3 SPECIAL MASTER POPPITI: With all due</p> <p>4 respect, Counsel, every time this question was phrased or</p> <p>5 rephrased it got shut down. There wasn't a way that</p> <p>6 Mr. Miller could phrase it that it didn't get shut down.</p> <p>7 Is there? Show me one.</p> <p>8 Mr. Miller, if we need to take the time</p> <p>9 to do this, because this is really the focus, I think, of</p> <p>10 everything we have been talking about yesterday and what</p> <p>11 you would like to talk about today as a practical matter.</p> <p>12 MR. MILLER: As a practical matter, yes.</p> <p>13 SPECIAL MASTER POPPITI: This is the</p> <p>14 essence of it all.</p> <p>15 MR. MILLER: This is the gatekeeper that</p> <p>16 keeps us from getting anything--</p> <p>17 SPECIAL MASTER POPPITI: You didn't say</p> <p>18 that, I did.</p> <p>19 MR. CHRISTENSON: Your Honor, there was</p> <p>20 an objection to vague, in terms of the objection and the</p> <p>21 question being vague --</p> <p>22 SPECIAL MASTER POPPITI: Remember, we</p> <p>23 are on page 66. I am sure Mr. Miller could go back to</p> <p>24 the first time he made an effort to get this information.</p>

## HEARING

7 (Pages 22 to 25)

Page 22	Page 24
<p>1 And if we need to do it that way, I am going to direct 2 that he does it that way. 3 This is not the first time, is it? 4 MR. MILLER: Your Honor, this is an 5 issue that was a recurring issue in the deposition. 6 SPECIAL MASTER POPPITI: Counsel, 7 correct me if I am wrong, my sense is with respect to 8 what your witness was either saying or not saying, and 9 what you wanted him to be permitted to say or not to say, 10 there's where the nub of the issue is here. 11 And I don't yet see, in the response 12 that you have made today, in all of the comments made 13 during the course of the deposition, that your mind is 14 meeting with where he wanted to be. He was not asking 15 about what customers would do or not do. And I would 16 like you to point me to any question in this transcript 17 where he was doing that, please. 18 MR. CHRISTENSON: Your Honor, I think 19 the difficulty is that, first of all, there are many 20 different ways, types of connecting. There is connecting 21 to circuitry, there is connecting to a housing, there is 22 connecting to a frame. And I don't think there is any 23 distinction in the question about what type of connecting 24 is being addressed. I think the witness, it seems to me,</p>	<p>1 seen in the evidence, with respect to the defendant's 2 products, a set maker will take the module, they will add 3 some type of a frame at the back of the module, and the 4 module maker, such as LPL, would never see that other 5 frame. They wouldn't know how that frame is attached to 6 the module. And then that frame that's attached to the 7 module is in some way connected to a housing. 8 So I think there is just a question -- 9 fundamentally, there is obviously a question here about 10 what does LPL know and what does LPL not know? And the 11 fact of the matter is that they don't know how their 12 products are mounted, that that's something that their 13 suppliers, the set makers know about. LPL is on the 14 other end of the set maker. They come -- ViewSonic comes 15 after the set maker makes the product. 16 SPECIAL MASTER POPPITI: Let me focus 17 you on page 69, and this is Mr. Miller's question: "So, 18 just so I understand your testimony, is it your testimony 19 that LPL is not in a position to say whether any 20 structure shown in Exhibit 77 was provided so as to help 21 a customer -- strike that. So it's your testimony that 22 LPL is not in a position to say whether any feature shown 23 in Exhibit 77 could be used by a customer for purposes of 24 connecting the product that is the subject of Exhibit 77</p>
Page 23	Page 25
<p>1 was assuming he was asking about connecting to a housing. 2 SPECIAL MASTER POPPITI: I don't know 3 what he was thinking, because he didn't get a chance to 4 respond. 5 MR. CHRISTENSON: There is no evidence, 6 Your Honor, that any of LPL's modules have ever been used 7 to directly connect at the back of the module to a 8 housing. The witness, on page 68, addressed the issue 9 and acknowledged -- and I'm looking at line 14, on page 10 68. Mr. Chao acknowledged that there were two separate 11 issues being addressed. One was the issue of how -- what 12 features could be used by the customer for mounting or, 13 as Mr. Miller said, some sort of connecting, and then the 14 actual mounting of the module as a separate question. 15 And what the witness was trying to 16 express, on page 68, as I read the testimony, was that 17 LPL -- again, you can't really unbundle those two issues, 18 because if you want to know what features could be used 19 to attach a housing to a module, you need to understand 20 how -- the different ways that customers have actually 21 mounted LPL modules into their products. And, again, 22 there is no evidence that a module made by LPL has ever 23 been directly attached at the back to a housing. 24 In fact, typically, from what we have</p>	<p>1 to another structure?" 2 And the question finally gets answered, 3 if I understand this, on page 72. And the answer is: 4 "That's correct. I don't believe that would be 5 possible." 6 MR. CHRISTENSON: Yes, Your Honor, I see 7 that. 8 SPECIAL MASTER POPPITI: Now, 9 Mr. Miller, do you understand the answer to that question 10 to be that -- the answer to your question is that it's 11 not possible for the witness to answer the question? 12 MR. MILLER: That's the only thing I can 13 ascertain from that answer, Your Honor, for two reasons: 14 The first is that the specifications documents, which we 15 have asked the witness about specifically, say that the 16 module must be mounted using the mounting holes. 17 SPECIAL MASTER POPPITI: And I have seen 18 that language before, right through Markman. 19 MR. MILLER: And, secondly, I have 20 trouble looking at the third page of the submission by 21 LPL this morning to Your Honor and the last paragraph and 22 the last sentence of the last paragraph which reads: 23 "This is consistent with LPL's prior testimony and with 24 the fact that each module has a variety of holes or other</p>



## HEARING

8 (Pages 26 to 29)

Page 26	Page 28
<p>1 elements which could be used to attach any number of</p> <p>2 components or structures, most of which are unrelated to</p> <p>3 rear mounting in this case and all of which are</p> <p>4 determined by the set makers, not LPL."</p> <p>5 They are saying, at least as I read that</p> <p>6 sentence, and as their specifications say, that there are</p> <p>7 ways -- we are providing you ways to mount this product.</p> <p>8 Yes, the customer decides which of the screw holes to put</p> <p>9 a screw into. And we have never asked them the question</p> <p>10 about which -- tell us how your customers mount. We have</p> <p>11 asked repeatedly: What are the features? What are the</p> <p>12 screw holes? What are the mounting holes? What are the</p> <p>13 structures that a customer could use to make that</p> <p>14 physical connection?</p> <p>15 And every time, all we got was, I don't</p> <p>16 know or talk to an expert.</p> <p>17 SPECIAL MASTER POPPITI: Well, let me</p> <p>18 just ask another question, as you flesh this out for me.</p> <p>19 When he has said repeatedly, and he has, talk to an</p> <p>20 expert or part of the objection was that this is a</p> <p>21 subject of expert testimony, I reviewed what I expect is</p> <p>22 the agreement that was forged with respect to testimony</p> <p>23 from a fact witness that would be the subject of expert</p> <p>24 testimony. And let me see if I can encapsulate my</p>	<p>1 commitment.</p> <p>2 MR. MILLER: You have to both commit to</p> <p>3 it, but it's also not a shield to stop factual discovery</p> <p>4 about whether or not there are facts that underlie that</p> <p>5 contention and those facts are accurate.</p> <p>6 So if LPL is not in a position --</p> <p>7 applying it to the circumstance here, ViewSonic could not</p> <p>8 take the position that the witness would not be able to</p> <p>9 testify about the structure of the product that was put</p> <p>10 forward as an accused product. They would have to</p> <p>11 testify about their knowledge of the structure. This</p> <p>12 part is connected to that part. You know? Why is it</p> <p>13 connected? Well, if they don't know that, then they</p> <p>14 don't know that. Does that connection make it a first</p> <p>15 frame under the patent? That's something that would be</p> <p>16 in expert testimony, that relates to the contention.</p> <p>17 But is Part A connected to Part B? Is</p> <p>18 there a screw hole here? Can this be used to make a</p> <p>19 connection to some other structure? Those are all facts,</p> <p>20 none of which a party is in a position, if they have</p> <p>21 factual knowledge, to say, I'm sorry, I'm not going to</p> <p>22 tell you the facts I know. Go talk to the expert I've</p> <p>23 hired to tell you.</p> <p>24 SPECIAL MASTER POPPITI: Well, then, I</p>
Page 27	Page 29
<p>1 understanding of it.</p> <p>2 If there is an assertion -- and I'm not</p> <p>3 sure I see a clear assertion that the subject matter that</p> <p>4 is being inquired into will only be addressed -- and I'm</p> <p>5 going to add a paren, (in its entirety), by expert</p> <p>6 testimony, that if I understood the agreement that was</p> <p>7 forged, that shuts it down.</p> <p>8 MR. MILLER: Your Honor, this is Scott</p> <p>9 Miller.</p> <p>10 I guess the question I have -- the</p> <p>11 discomfort I have with that rendition of it is that the</p> <p>12 agreement was not meant to be a shield to hide facts that</p> <p>13 the parties have.</p> <p>14 SPECIAL MASTER POPPITI: I understand</p> <p>15 that.</p> <p>16 MR. MILLER: It was meant to say we can</p> <p>17 take discovery of facts if they are contentions about the</p> <p>18 infringement, if they are contentions about validity, the</p> <p>19 legal applications that an expert would do, those are</p> <p>20 things that if an expert's testimony is going to be</p> <p>21 provided, then the parties have agreed that they are not</p> <p>22 going to try to force a lay witness at a party to be able</p> <p>23 to testify to those issues.</p> <p>24 SPECIAL MASTER POPPITI: To make a</p>	<p>1 think your response to my question is you did not</p> <p>2 understand the agreement to be what LPL understands the</p> <p>3 agreement to be.</p> <p>4 And I think that my question to LPL is:</p> <p>5 If your understanding of the agreement is the way I have</p> <p>6 just articulated it, then what meaning -- and we took a</p> <p>7 lot of time going through these topics. What meaning, if</p> <p>8 any, does Topic 1B, C, D, Topic 2B, C, D, what meaning,</p> <p>9 if any, do those topics and subtopics have for this</p> <p>10 30(b)(6) witness? Why did we waste all of our time?</p> <p>11 MR. CHRISTENSON: Your Honor, that's a</p> <p>12 very good question. Going into this deposition we were</p> <p>13 very concerned, and I expressed the concerns very</p> <p>14 directly, about our prior agreement that questions</p> <p>15 relating to how you apply the claim terms to LPL's own</p> <p>16 products; which directly relates to prior art and --</p> <p>17 invalidity is a subject for the expert witnesses.</p> <p>18 And as Your Honor may recall at the</p> <p>19 hearing, and I cited this in our letter, you expressed</p> <p>20 the concern that we did, even before we had made the</p> <p>21 argument, you understood that there was an issue there</p> <p>22 when they were using a topic to relate specifically to</p> <p>23 Your Honor's claim constructions with respect to LPL's</p> <p>24 products.</p>

## HEARING

9 (Pages 30 to 33)

Page 30	Page 32
<p>1 SPECIAL MASTER POPPITI: I understand 2 that. But that's not what we are talking about, is it, 3 Mr. Miller? 4 MR. MILLER: No, Your Honor. 5 MR. MERIDETH: Your Honor, this is Frank 6 Merideth, if I could just interject for a second from 7 Tatung's viewpoint on this issue, because I think this is 8 an important point. 9 MR. CHRISTENSON: Your Honor, I haven't 10 finished my response. 11 SPECIAL MASTER POPPITI: Let 12 Mr. Christenson finish. 13 MR. CHRISTENSON: As I understand the 14 nature of the questions that were being posed by 15 Mr. Miller, they were questions asking essentially 16 whether something could be used as a fastening element 17 or, essentially, they are going to whether LPL's products 18 are rear-mountable devices. And the purpose of that 19 obviously is to try to support their invalidity arguments 20 and to establish that these products constitute prior 21 art. And those specifically are subjects that, as I 22 understood, we had reserved for the experts in this case. 23 In addition, because of the fact that I 24 didn't understand why we had those topics in, I expressed</p>	<p>1 parties' positions or contentions on validity 2 infringement or enforceability, but, rather, those issues 3 would be for the expert witnesses." 4 SPECIAL MASTER POPPITI: 5 Mr. Christenson, I know you choose your words carefully 6 and you do say there "would not encompass parties' 7 positions or contentions on validity infringement or 8 enforceability." 9 So go ahead, please. 10 MR. CHRISTENSON: And I say: "So we 11 don't want to be in a position where the witness is going 12 to be asked questions that would fall into that expert 13 realm and require the witness to take positions related 14 to claim construction." 15 SPECIAL MASTER POPPITI: Okay. 16 MR. CHRISTENSON: And then you expressed 17 on page 17, you say certainly -- you are referring to 18 topics 1 and 2, Your Honor states: "Certainly, even 19 before looking at LPL's position with respect to the 20 topic in terms of arguing through it, when I looked at it 21 and I did turn to the topics first, I certainly had the 22 concern that LPL raises." 23 SPECIAL MASTER POPPITI: Right. 24 MR. CHRISTENSON: And then you point</p>
Page 31	Page 33
<p>1 my concerns. And at the hearing on August 16, it was 2 made -- I'm sorry, August 27th, it was made very clear 3 that an agreement was in effect, that LPL's witness would 4 not be expected to relate claim terms or claim 5 limitations to LPL's products, and then an expert witness 6 could address those issues. And I think the nature of 7 the understanding was, as posed by Your Honor, if LPL 8 invoked that agreement, then that was the end of the 9 inquiry. 10 SPECIAL MASTER POPPITI: Well, let's go 11 back to the transcript of the 27th, if you all have that 12 in front of you. I know I have an excerpt. If I need 13 more of it, I will get it. But I'm looking at the 14 transcript for August the 27th. 15 MR. MILLER: Page 15, Your Honor. 16 SPECIAL MASTER POPPITI: I'm at page 15. 17 MR. MILLER: At the bottom of the page 18 is an example of where -- we were talking about Topic 1B, 19 for example, there. And I expressed my concern that it 20 was potentially requiring the witness to talk about LPL 21 products in terms of what claim limitations they meet 22 under your definitions of those terms. And I say: "We 23 previously agreed with the other side that the Rule 24 30(b)(6) depositions in this case would not encompass</p>	<p>1 out, Your Honor, that if the topic gets responded to by 2 virtue of saying, We intend to rely on expert opinion, 3 doesn't that answer the concern? 4 And then Mr. Miller confirmed on page 18 5 that that was acceptable. 6 SPECIAL MASTER POPPITI: Mr. Miller. 7 MR. MILLER: I did confirm that under 8 the parties' prior agreement that would be acceptable as 9 to positions and contentions regarding application of 10 claim terms to a structure, but that's not a single 11 circumstance that is applicable to these questions. And, 12 in fact, the parties' prior agreement, which was 13 articulated before Your Honor during the March 13th, 2007 14 hearing, which we provided to you and was, again, 15 reiterated during the deposition of ViewSonic where 16 Mr. Tommy Chao was the witness, also that transcript has 17 been provided, a section of that transcript has been 18 provided, shows that the agreement between the parties is 19 as Mr. Christenson articulated it. The application of 20 the claim term and whether or not this structure meets a 21 claim term is something that a party can say, We are 22 going to rely solely and exclusively on an expert to 23 testify about that. But the underlying facts regarding 24 the structure are not ones that a party can just say, We</p>

## HEARING

10 (Pages 34 to 37)

Page 34	Page 36
<p>1 don't have to tell you any facts.</p> <p>2 And, in fact, Mr. Ambrozy, time and</p> <p>3 again in taking the deposition of ViewSonic's witness,</p> <p>4 acknowledged that, and during the hearing, that questions</p> <p>5 about facts regarding the structure of the product were</p> <p>6 fair game. Application of claim terms to a component</p> <p>7 would be the subject of the agreement.</p> <p>8 SPECIAL MASTER POPPITI: And if I -- I</p> <p>9 am looking, again, at the transcript at page, the August</p> <p>10 27th transcript at page 16, beginning at line 12, and</p> <p>11 ending at page 17, line 2. Mr. Miller, if you would read</p> <p>12 that into the record. They are your statements. And</p> <p>13 once you read it in, I want to know whether you believe</p> <p>14 that that statement is consistent with what you just</p> <p>15 said.</p> <p>16 MR. MILLER: I'm sorry, Your Honor,</p> <p>17 where were you?</p> <p>18 SPECIAL MASTER POPPITI: I'm at page 16</p> <p>19 of the August 27th, 2007 transcript.</p> <p>20 MR. MILLER: Okay.</p> <p>21 SPECIAL MASTER POPPITI: Line 12.</p> <p>22 MR. MILLER: Yes.</p> <p>23 "MR. MILLER: Your Honor, what I advised</p> <p>24 Mr. Christenson on the 22nd was that we would be --</p>	<p>1 MR. MERIDETH: From the Tatung</p> <p>2 defendants' position, our interest in this 30(b)(6)</p> <p>3 witness testimony relates to inequitable conduct, and to</p> <p>4 suggest that somehow or another expert testimony is going</p> <p>5 to solve that issue and provide facts that relate to that</p> <p>6 contention are simply wrong.</p> <p>7 No. 1, it was not included in the list</p> <p>8 of topics that Mr. Christenson carefully listed and you</p> <p>9 read, inequitable conduct is not one of those areas. No.</p> <p>10 1.</p> <p>11 No. 2, it would make absolutely no sense</p> <p>12 to allow an LPL witness to escape questions regarding</p> <p>13 inequitable conduct, i.e., what mounting structures did</p> <p>14 LPL provide on its products and what did you, LPL, know</p> <p>15 about those products when you made this patent</p> <p>16 application? And did you disclose those features to the</p> <p>17 examiner? are questions that don't have anything to do</p> <p>18 with expert testimony and they are not excluded by the</p> <p>19 stipulation. They are questions that we had been stymied</p> <p>20 in getting the answers to.</p> <p>21 And from our viewpoint, that's the</p> <p>22 fundamental reason why we want to take these depositions.</p> <p>23 What's happened is after the claims construction, based</p> <p>24 upon a calculated decision, LPL disclosed certain prior</p>
Page 35	Page 37
<p>1 consistent with our agreement, if LPL's witness says, We</p> <p>2 are relying solely on expert testimony with regard to</p> <p>3 those issues, that that's fine, that was our agreement.</p> <p>4 But if they intend to put on a witness, a fact witness,</p> <p>5 beyond their expert to testify about any of those things,</p> <p>6 obviously, we are entitled to know what that fact witness</p> <p>7 is going to say and all we would be looking for here is</p> <p>8 if there are facts that their fact witnesses intend to</p> <p>9 deal with or testify to at trial, we want to know what</p> <p>10 they are. If they are going to come in and say, We are</p> <p>11 solely relying on expert testimony with regard to those</p> <p>12 issues, that will be the end of the inquiry."</p> <p>13 SPECIAL MASTER POPPITI: And those</p> <p>14 issues you are referring to are the contentions on</p> <p>15 validity infringement or enforceability because that's</p> <p>16 what you were responding to Mr. Christenson's comments</p> <p>17 which immediately preceded yours?</p> <p>18 MR. MILLER: Yes. And this also clearly</p> <p>19 differentiated in the prior agreement between the</p> <p>20 parties.</p> <p>21 MR. MERIDETH: Your Honor, this is Frank</p> <p>22 Merideth again, if I could speak to this.</p> <p>23 SPECIAL MASTER POPPITI: Yes, you can at</p> <p>24 this point</p>	<p>1 art products which it had made the strategic decision not</p> <p>2 to disclose at an earlier date. We believe that those</p> <p>3 particular products demonstrate inequitable conduct on</p> <p>4 the part of LPL. And we want to find out about those</p> <p>5 products. We want -- we have, one of those products we</p> <p>6 managed to acquire. We want no inquire about those</p> <p>7 products. We want to inquire about the mounting features</p> <p>8 that LPL put on the product, because that has to do --</p> <p>9 that goes to the heart of the inequitable conduct</p> <p>10 defense.</p> <p>11 MR. CHRISTENSON: Your Honor, this is</p> <p>12 Cass Christenson.</p> <p>13 Going back to the question you had asked</p> <p>14 earlier about what sorts of questions would be left that</p> <p>15 would not be considered an expert witness question under</p> <p>16 those topics? What I would have anticipated was that the</p> <p>17 witness would have been shown exploded-view diagrams or</p> <p>18 drawings of particular modules and asked about what a</p> <p>19 certain part or component of the module is and what</p> <p>20 function it performed with respect to the module.</p> <p>21 SPECIAL MASTER POPPITI: And I</p> <p>22 understand what you just said, and I understand at one</p> <p>23 point throughout this deposition of what, I guess, was a</p> <p>24 day and a quarter or a day and a half, at one point the</p>

## HEARING

11 (Pages 38 to 41)

Page 38	Page 40
<p>1 witness said, I need to see additional documents. I 2 think that had to do with financial information and 3 marketing information. I understand that. 4 If a witness says, I need to see 5 something in order to answer the question, but that's not 6 what is going on here. This witness didn't say that. 7 MR. CHRISTENSON: Your Honor, what I 8 understood they were trying to find out here was, with 9 respect to particular products that were from before 10 LPL's formation and, therefore, if they could potentially 11 constitute prior art in this case, he was being asked 12 about what LPL could say about how those products could 13 be mounted. And, obviously, what they are trying to 14 establish is whether there is a rear-mountable -- 15 SPECIAL MASTER POPPITI: And you tell me 16 why they are not entitled to ask that question. 17 MR. CHRISTENSON: Your Honor, I think 18 what happened was -- and I think this is clear in the 19 transcript -- Mr. Chao testified that he checked with, at 20 the company -- first of all, we produced documents 21 related to the products. We produced all the documents 22 we could find related to those products. And those 23 documents, in and of themselves, don't show detail about 24 how the product was or could be mounted. And that was</p>	<p>1 carefully as I know you have gone through, because you 2 have lived it in real time and, unfortunately, even my 3 looking at the history of it doesn't permit me to get as 4 closely as I would like to the real time that it 5 occurred. I note we have been working off of page 66, 6 and I expect there are other examples where a similar 7 objection was made, a similar response was made, or there 8 are responses -- I don't know whether it relates to this 9 specific question where the witness said, I don't 10 remember. I don't know. I don't remember. 11 And I started to count the times when he 12 said, I don't remember, and I, quite frankly, stopped 13 counting so I could get through everything more 14 efficiently here. And I really have difficulty 15 understanding how a 30(b)(6) witness that has been 16 working for six weeks to prep for this answers numerous 17 times, I don't recall. Not I don't know, that's a 18 problem in and of itself if he is supposed to have the 19 knowledge. But, I don't recall. He might as well have 20 not shown up to sit in a seat and answer those specific 21 questions. 22 I would like you to answer that 23 question. How can a 30(b)(6) witness sit in a chair, 24 after having been prepped for six weeks -- and you have</p>
Page 39	Page 41
<p>1 one of the reasons, when we were in discovery, we all 2 wanted to get the devices and not just the documents, 3 because we don't think the documents show it. But 4 Mr. Chao testified, Your Honor, that he went to the 5 engineers. 6 SPECIAL MASTER POPPITI: I know that. 7 MR. CHRISTENSON: The appropriate 8 engineers, and he talked to those engineers to find out 9 if they knew, from their development of the product and 10 everything that went with that, anything about how those 11 modules were going to be used or mounted. 12 SPECIAL MASTER POPPITI: That's a 13 different question. How they are going to be used or 14 mounted, I understand, and I believe your worthy 15 opponents across the table understand that you have said, 16 rather consistently, you do not know how your customers 17 are going to mount. That's not the issue here. 18 Am I misstating that, either Mr. Miller 19 or Mr. Meredith? 20 MR. MILLER: No, Your Honor. We 21 understand their position. 22 SPECIAL MASTER POPPITI: That's not 23 what's being asked for here. 24 Now, I have not gone through as</p>	<p>1 talked about his prep and I will accept it at face value 2 for the moment -- and say I don't recall? How can a 3 30(b)(6) witness do that? 4 MR. CHRISTENSON: I think it would 5 depend on the question, Your Honor. 6 SPECIAL MASTER POPPITI: Well, I'm going 7 to ask Mr. Miller to pull a few out for me so that I can 8 focus on what he wants to look at. But I'm very 9 concerned about the number of times he says, I don't 10 recall. 11 Mr. Miller, take the time to sift 12 through it, if you would, and pull an example. 13 MR. MILLER: I am looking, Your Honor. 14 SPECIAL MASTER POPPITI: Thank you, sir. 15 MR. MILLER: For example, turning to the 16 deposition transcript from the 20th. 17 SPECIAL MASTER POPPITI: Just one 18 moment. Is that Volume 2? 19 MR. MILLER: Volume 2. 20 SPECIAL MASTER POPPITI: Okay. Just a 21 sec. Okay. 22 MR. MILLER: On page 31. 23 SPECIAL MASTER POPPITI: Okay. 24 MR. MILLER: Actually, just to put it in</p>



## HEARING

12 (Pages 42 to 45)

Page 42	Page 44
<p>1 context, I should start on page 30, at line 22.</p> <p>2 SPECIAL MASTER POPPITI: Okay.</p> <p>3 MR. MILLER: "Question: With regard to</p> <p>4 that same product, the LC056N1, has that product ever</p> <p>5 been the subject of any advertisements?" Mr. Ambrozy</p> <p>6 makes an objection.</p> <p>7 "THE WITNESS: I don't know.</p> <p>8 "BY MR. MILLER: Question: Did you do</p> <p>9 anything in preparation for your deposition to ascertain</p> <p>10 whether or not that product had been the subject of any</p> <p>11 advertisement?</p> <p>12 "ANSWER: I don't know. I don't really</p> <p>13 recall whether I did or not.</p> <p>14 "QUESTION: Can you tell me whether any</p> <p>15 of the products that are within the scope of the</p> <p>16 definition of products for today's deposition were the</p> <p>17 subject of any advertisements?"</p> <p>18 Objection registered.</p> <p>19 "THE WITNESS: I don't know.</p> <p>20 "QUESTION: Did you do anything to</p> <p>21 prepare yourself to be able to testify about whether any</p> <p>22 of the products that are within the scope of the</p> <p>23 definition of products for today's deposition have been</p> <p>24 the subject of any advertisements?"</p>	<p>1 is basically asking, you know, potentially about any</p> <p>2 advertisements of any products.</p> <p>3 SPECIAL MASTER POPPITI: It doesn't say</p> <p>4 that. That's not the question, sir. It really isn't the</p> <p>5 question.</p> <p>6 Mr. Miller, with whatever degree of</p> <p>7 frustration and whatever degree of calm he brought to</p> <p>8 every one of those questions, he was doing what he had</p> <p>9 the right to do, because at some point, if there is a</p> <p>10 problem with it, he has got the right and obligation on</p> <p>11 behalf of his client to say to somebody that is sitting</p> <p>12 in assistance of the Court to say, This witness wasn't</p> <p>13 prepared. And the questions that he is framing for</p> <p>14 purposes of asking me to make that judgment is, Tell me</p> <p>15 what you have done or -- I am referring to whether you</p> <p>16 took any actions to prepare yourself to be able to -- and</p> <p>17 there are at least five or six categories that fall into</p> <p>18 that preamble question.</p> <p>19 And with each of those, the witness</p> <p>20 didn't respond one way or the other. He said, I don't</p> <p>21 recall. How can I measure anything other than -- well,</p> <p>22 if he doesn't recall, what information do I have to make</p> <p>23 the judgment other than he is not the right witness in</p> <p>24 that chair? He can't recall what he did for the past six</p>
Page 43	Page 45
<p>1 He asked a question: "What specific</p> <p>2 model are you referring to? Are you referring to all the</p> <p>3 models?"</p> <p>4 "QUESTION: I'm referring to whether you</p> <p>5 took any actions to prepare yourself to be able to</p> <p>6 testify about whether any of the products that are within</p> <p>7 the scope of the Court's order for you to appear for your</p> <p>8 deposition were the subject of any advertisements."</p> <p>9 Objection by Mr. Ambrozy.</p> <p>10 "THE WITNESS: I don't really recall</p> <p>11 whether I did or not."</p> <p>12 SPECIAL MASTER POPPITI: Thank you.</p> <p>13 MR. MILLER: There are others.</p> <p>14 SPECIAL MASTER POPPITI: I know. It</p> <p>15 goes on for the next several pages.</p> <p>16 I would like to hear a justification for --</p> <p>17 a 30(b)(6) witness to respond, I don't recall.</p> <p>18 MR. CHRISTENSON: Your Honor, I don't</p> <p>19 know why he testified that he did not recall.</p> <p>20 SPECIAL MASTER POPPITI: I don't either,</p> <p>21 but he is your 30(b)(6) witness. He is your corporate</p> <p>22 knowledge.</p> <p>23 MR. CHRISTENSON: I understand that,</p> <p>24 Your Honor. I think that the -- the question, I think,</p>	<p>1 weeks.</p> <p>2 Now, I know that Mr. Ambrozy challenged</p> <p>3 on a few of them saying, Point me to the topics of the</p> <p>4 deposition. I know that he did that. I'm not sure he is</p> <p>5 wanting to do that now, because with respect to each one</p> <p>6 of those questions I can draw a thread, and it's a pretty</p> <p>7 significant thick red line, actually.</p> <p>8 Let me do this. I have -- just focusing</p> <p>9 on that issue of preparedness and focusing on this series</p> <p>10 of questions, this witness shouldn't even have been in</p> <p>11 the chair, if he can't recall what he did to prepare.</p> <p>12 Because he is expected to prepare, No. 1, remember what</p> <p>13 he did with respect to the preparation, and be in a</p> <p>14 position to say to direct questions, Yes, I can give you</p> <p>15 the information because I know it. No, I don't have the</p> <p>16 information because we don't have it. There is no</p> <p>17 corporate knowledge here.</p> <p>18 That's not what was going on during the</p> <p>19 course of this deposition. So I do and will find that</p> <p>20 this witness was in large not prepared and might as well</p> <p>21 have not been there as a 30(b)(6) witness. Now, I don't</p> <p>22 know --</p> <p>23 MR. CHRISTENSON: Your Honor, in</p> <p>24 fairness to LPL, I would just point out that there are</p>



## HEARING

13 (Pages 46 to 49)

Page 46	Page 48
<p>1 many different topics, and I think the question of 2 preparation really can't even be addressed with respect 3 to many of them because there were no questions asked. 4 SPECIAL MASTER POPPITI: I will tell you 5 what, then, if you want me to be going down through each 6 of these topics and making a judgment as to whether he 7 was prepared or not prepared and have to play bumper car 8 with all of the objections that were made and, yes, 9 Mr. Ambrozy, that's exactly what I just said. I find the 10 conduct of this deposition to be game playing. You cited 11 me the McKelvie case. I read the McKelvie case. I have 12 read it ever since he wrote it. I knew he would write it 13 that way before he wrote it. And this is not appropriate 14 deposition conduct. 15 There are numerous occasions when you 16 went beyond objection, state the brief reason. There 17 were numerous occasions where there was coaching. If 18 it's important for me to point it out for the record, 19 written or otherwise, I will take the time to do that. 20 MR. AMBROZY: Your Honor, if I may 21 speak. 22 SPECIAL MASTER POPPITI: No. This 23 deposition was a complete and utter waste of time, and we 24 are going to have to figure out how to correct that.</p>	<p>1 occasions before this deposition today and the 2 conversation and dialog that surrounded, that has 3 surrounded depositions in this case, I want to know why I 4 shouldn't be giving some serious consideration to 5 directing that these depositions occur in Wilmington, 6 Delaware, as close to the courthouse or this office as 7 possible. I do not want to waste your client's resources 8 for me to sit through the remainder of depositions in 9 this case, but I will listen to some conversation with 10 respect to that. We talked about it before. It's not a 11 new subject. Is it? That wasn't rhetorical. 12 MR. CHRISTENSON: That's correct, Your 13 Honor. 14 MR. KIRK: That's correct, Your Honor. 15 MR. MILLER: Correct, Your Honor. 16 SPECIAL MASTER POPPITI: So if you go 17 offline, please, for -- if you need until 3:30, we can do 18 that. And just dial back in. 19 MR. MILLER: Yes, Your Honor. This is 20 Scott Miller, that's fine with us. 21 SPECIAL MASTER POPPITI: Thank you all 22 (A recess was taken from 3:07 until 4:45 23 p.m.) 24 SPECIAL MASTER POPPITI: Is that</p>
Page 47	Page 49
<p>1 There is going to be -- well, you have got to tell me 2 where you are with respect to all the deadlines. I know 3 they are coming. I know they are on my calendar. I'm 4 not in my office. I really didn't focus on deadlines for 5 purposes of this discussion this afternoon. And I know 6 what the requests for sanctions are. And I think they 7 may be premature, other than the sanction dealing with 8 the renoticing of a 30(b)(6) deposition. 9 And, quite frankly, Counsel, this 10 witness is -- it's a step that a Court should always be 11 reluctant to take. I know that. Given the way this 12 witness, either on his own or with assistance, approached 13 this deposition, I conclude he is not the appropriate 14 witness to sit in that chair. 15 MR. CHRISTENSON: Your Honor, this is 16 Cass Christenson. 17 Given your comment, it seems clear that 18 the obvious question is who from LPL should testify and 19 how soon can we convene the deposition? 20 SPECIAL MASTER POPPITI: Well, here is 21 what I would like you to do. I would like you all to go 22 offline for 15 minutes, and when you come back online, I 23 expect there to be some definition to that. And given 24 what has occurred here, and knowing what has occurred on</p>	<p>1 everyone? 2 MR. KIRK: Yes. 3 SPECIAL MASTER POPPITI: No one new has 4 joined, so the record will reflect that everyone has 5 rejoined. 6 SPECIAL MASTER POPPITI: Okay. 7 MR. CHRISTENSON: Your Honor, this is 8 Cass Christenson. What we had discussed offline was that 9 LPL right now -- in Korea this coming week is a major 10 holiday in Korea; it's their Thanksgiving holiday. So 11 our view was that realistically we would want to have the 12 following week for additional preparation, which is the 13 week of October 1. And then we had proposed -- 14 obviously, the witnesses would be traveling from Korea to 15 the U.S., and we proposed reconvening the deposition 16 starting on Wednesday, October 10th. 17 We also then proposed concessions on 18 certain dates and deadlines that we think would be 19 impacted by that timetable. We also agreed to, that the 20 deposition could proceed in Wilmington. We did not agree 21 to the other side's request that we pay costs and 22 attorneys' fees, and we also did not think that it was 23 necessary for Your Honor to attend the deposition as it 24 is reconvened.</p>

## HEARING

14 (Pages 50 to 53)

Page 50	Page 52
<p>1 SPECIAL MASTER POPPITI: Good. I am 2 happy for the last part. 3 MR. CHRISTENSON: That was our view. 4 They may have a different view. 5 MR. MILLER: Your Honor, this is Scott 6 Miller. 7 We did have an exchange of some dates. 8 We haven't agreed on the dates. We are, obviously, 9 willing to have the deposition go forward in Wilmington. 10 We do think that it should be in a location that would be 11 convenient for Your Honor to be able to be accessible, 12 and to have you be able to sit in at whatever you think 13 is an appropriate amount of time, either at the beginning 14 or random intervals or periodic intervals that you feel 15 necessary to be spot-checking or if you just want to be 16 on call, whatever you believe to be most efficient. And 17 we believe the costs associated with that, the additional 18 costs of Your Honor's time should be borne by the 19 plaintiff. 20 And then we also did ask that plaintiff 21 agree to reimburse us for our costs of coming here to 22 Washington for this time to participate in the deposition 23 that has gone forward so far. 24 SPECIAL MASTER POPPITI: Say what you</p>	<p>1 that -- we are fine with bringing the witness to 2 Delaware. We are fine with making arrangements for 3 accessibility. I just don't think it's necessary, at 4 this point, to schedule Your Honor's time to attend, I 5 guess as they were putting it, spot-checking the 6 deposition. I think it, obviously, will be in 7 Wilmington; if disputes arise, which we intend to make 8 every effort to avoid from happening, we understand you 9 would be involved promptly. 10 SPECIAL MASTER POPPITI: Have you landed 11 on a date yet? I understand you are looking at proposed 12 dates. 13 MR. MILLER: This is Scott Miller, Your 14 Honor. 15 The plaintiffs are proposing to resume 16 the deposition on October 10th. The problem is that that 17 impacts the expert reports, it impacts the summary 18 judgment filings, at least. And the question is: How 19 much compression can be put into the schedule? And on 20 behalf of ViewSonic, we are extremely uncomfortable in a 21 position where an expert deposition, we would have 22 essentially one week to prepare summary judgment motions 23 on the basis of expert deposition. 24 And in the current schedule we have --</p>
Page 51	Page 53
<p>1 just said again. I missed it 2 MR. MILLER: We asked the plaintiffs to 3 agree to reimburse our clients for the costs they have 4 incurred in sending us to Washington for this deposition. 5 And they declined to be responsible for the costs of our 6 being here or the costs of your attendance at any portion 7 of the deposition that you would feel was appropriate to 8 attend. 9 And then on the date -- 10 MR. CHRISTENSON: I think that's a 11 little inaccurate. 12 SPECIAL MASTER POPPITI: Go ahead. Tell 13 me. 14 MR. CHRISTENSON: We are not asking that 15 the Special Master be barred at the deposition. If the 16 Special Master feels it appropriate, that's fine, but we 17 are not asking that he attend the entire thing. That's 18 what we are objecting to. 19 MR. MILLER: All we ask is that the 20 portions that he sits in on be the responsibility of the 21 plaintiff. 22 MR. CHRISTENSON: Your Honor, this is 23 Cass Christenson. 24 Just to clarify our position, we think</p>	<p>1 in the historical schedule, we have had more time. 2 MS. ROMAN: Your Honor, this is Tracy 3 Roman. Just so I can set the stage. 4 I think the impact that is proposed by 5 the dates that's the greatest is that for opening summary 6 judgment motions, rather than them taking place on 7 November 2nd, it would be November 14th. And then 8 response summary judgment motions are currently scheduled 9 and would stay scheduled for November 29th. So rather 10 than having a four-week time period between opening and 11 responding summary judgment briefs, it's now reduced to 12 two weeks. 13 MR. MILLER: And that, obviously, 14 includes the Thanksgiving holiday in the United States. 15 SPECIAL MASTER POPPITI: It does. 16 MS. ROMAN: And we understand that one 17 of the reasons for the proposal that the deposition take 18 place on October 10th is because of the Korean 19 Thanksgiving holidays occurring next week. And we are 20 reluctant to try to push anyone to miss a holiday that's 21 a national holiday, but at the same time, we are in a 22 real bind. 23 MR. CHRISTENSON: Your Honor, if I may. 24 Part of the problem with the holiday is not that we don't</p>

## HEARING

15 (Pages 54 to 57)

Page 54	Page 56
<p>1 want them to miss their holiday, it's the fact that it is 2 a very big holiday in Korea, and Koreans have already 3 started traveling for that holiday. And it's our 4 understanding that people we need to speak with are not 5 even at work or the people that we would prep for the 6 deposition, if it could even possibly go next week, is 7 that they are not even in, at work to get a hold of and 8 get them over here. It's not that we are trying to get 9 them to give up their holiday, it's our understanding 10 they are not available.</p> <p>11 MR. MILLER: Obviously, we would prefer 12 to start the week of October 1st, if possible just 13 because -- well, you know why.</p> <p>14 SPECIAL MASTER POPPITI: Right.</p> <p>15 Well, the problem -- and it isn't a 16 problem if you say it's not. Well, the problem with the 17 week of the 1st, in terms of my availability, is I am in 18 an all-week arbitration in New York. So if it's not 19 critically important that I be available, then we can, at 20 least, talk about that week to see if it is even doable.</p> <p>21 But if there is any expectation that I 22 should either, to adopt the phrase spot-check or just 23 simply make myself available when I know the deposition 24 is occurring, that week is out, because that arbitration</p>	<p>1 else is needed.</p> <p>2 MR. CHRISTENSON: Yes, Your Honor, 3 that's fine for LPL. Thank you.</p> <p>4 MR. Miller: That's fine for ViewSonic.</p> <p>5 MR. MERIDETH: Fine for Tatung.</p> <p>6 SPECIAL MASTER POPPITI: Tell me what 7 time you want to start.</p> <p>8 MR. MILLER: We have been starting at 9 9:30 a.m.</p> <p>10 SPECIAL MASTER POPPITI: And you finish 11 at what time?</p> <p>12 MR. MILLER: Approximately 5:30.</p> <p>13 SPECIAL MASTER POPPITI: Okay. That 14 will be the only day that will be set; correct?</p> <p>15 MR. MILLER: No. I think -- we have 21 16 hours, so we needed three days.</p> <p>17 SPECIAL MASTER POPPITI: Okay.</p> <p>18 MR. MILLER: Three, seven-hour days, so 19 we are probably going to have to go later than 5:30.</p> <p>20 SPECIAL MASTER POPPITI: Well, we have 21 got a problem. In order to accommodate proximity, and I 22 don't know that that's ultimately necessary, as opposed 23 to availability, the better time is 8, 9, 10, not 10, 11, 24 12. I am out of the office on the 11th and the 12th.</p>
Page 55	Page 57
<p>1 is due to last the entire week.</p> <p>2 MR. MERIDETH: This is Frank Merideth, 3 Your Honor. I think it is very important that you be 4 available almost on an on-call basis because we have had 5 -- I mean, this is the second time we have had a problem, 6 and we don't want to have it a third time. We just don't 7 have the time to do that.</p> <p>8 SPECIAL MASTER POPPITI: I understand 9 that. So then it means -- just give me a minute and a 10 half to walk the hall a minute because I don't have my 11 calendar in here with me.</p> <p>12 Would you hold, please.</p> <p>13 MS. ROMAN: Yes, sir.</p> <p>14 (Discussion off the record.)</p> <p>15 SPECIAL MASTER POPPITI: Counsel, if we 16 are looking at the week of the 8th, and if we are looking 17 at the 10th, my suggestion, in terms of availability, 18 would be to have the deposition here in my offices 19 because I have got an arbitration that I have scheduled 20 in the afternoon. It's something that I expect -- I 21 haven't looked at the file yet, but I expect it's not 22 going -- it would be easy to recess if that's necessary. 23 So if that's convenient, in terms of location for 24 everyone, then I am happy to host the room and whatever</p>	<p>1 MR. CHRISTENSON: Your Honor, Cass 2 Christenson for LPL.</p> <p>3 Our concern with that is if the tradeoff 4 is to make sure that the witness is ready and we avoid 5 disputes versus being in your office, I would 6 respectfully suggest we are better off doing it at 7 another office near you, starting on the 10th.</p> <p>8 SPECIAL MASTER POPPITI: Well, the 9 office that's going to be near me on the 11th and 12th is 10 a D.C. office.</p> <p>11 MR. CHRISTENSON: I see.</p> <p>12 SPECIAL MASTER POPPITI: The 10th I will 13 be in Wilmington, the 11th I will be in Washington and 14 the 12th I will be in Washington.</p> <p>15 MR. CHRISTENSON: Either location is 16 fine for LPL, Your Honor. We would prefer to stay in one 17 place, whether it's D.C. or Wilmington, either one is 18 fine.</p> <p>19 SPECIAL MASTER POPPITI: Anyone's 20 thoughts on that, please</p> <p>21 MR. MILLER: Your Honor, this is Scott 22 Miller.</p> <p>23 Are you going to be in a position when 24 you are in Washington that you will be accessible by</p>

## HEARING

16 (Pages 58 to 61)

Page 58	Page 60
<p>1 phone?</p> <p>2 SPECIAL MASTER POPPITI: Yes. My</p> <p>3 purpose for being in Washington is a partners' retreat,</p> <p>4 so I will be available by phone and I can be available in</p> <p>5 person.</p> <p>6 MR. MILLER: Then I think we should do</p> <p>7 it in Delaware, either in your office in Delaware or one</p> <p>8 of our offices in Delaware, so we don't end up having to</p> <p>9 move, if nobody is there, when you guys are gone. I</p> <p>10 think we should say it's going to be in Delaware. And I</p> <p>11 understand our office is pretty close to your office.</p> <p>12 SPECIAL MASTER POPPITI: Okay.</p> <p>13 MR. MILLER: So we can either move after</p> <p>14 the first day or we can talk to LPL about this, if you</p> <p>15 like.</p> <p>16 SPECIAL MASTER POPPITI: Yes. Why don't</p> <p>17 you do that, and try to figure out logistics because I</p> <p>18 certainly can gather whatever papers I would need,</p> <p>19 because you are going to have to put them in front of me</p> <p>20 if there is a dispute on either the 11th or the 12th.</p> <p>21 And we can make arrangements either with the hotel or my</p> <p>22 office to make sure that I get them.</p> <p>23 MR. MILLER: Okay.</p> <p>24 SPECIAL MASTER POPPITI: So it's 10, 11,</p>	<p>1 the locations here in Washington, then, and make it</p> <p>2 happen.</p> <p>3 SPECIAL MASTER POPPITI: Okay.</p> <p>4 Then what I would like to do is, I think</p> <p>5 if what I hear is remaining for discussion today, there</p> <p>6 is an application for LPL to assume the responsibility</p> <p>7 for the expenses. And what I would like to see is an</p> <p>8 affidavit that describes those fees and costs for me,</p> <p>9 because I will entertain the application.</p> <p>10 MR. MILLER: Thank you, Your Honor.</p> <p>11 MR. CHRISTENSON: Your Honor, this is</p> <p>12 Cass Christenson.</p> <p>13 LPL would also like to have a chance to</p> <p>14 address that.</p> <p>15 SPECIAL MASTER POPPITI: Absolutely.</p> <p>16 MR. CHRISTENSON: How should we do that?</p> <p>17 Should we wait for the submission of ViewSonic?</p> <p>18 SPECIAL MASTER POPPITI: No. Realizing</p> <p>19 that this is something that need not be focused on</p> <p>20 promptly, and knowing that you all have one heck of a lot</p> <p>21 of work to do, then I would prefer that you offline</p> <p>22 discuss when you would like to put that before me, and</p> <p>23 you set the schedule.</p> <p>24 MR. CHRISTENSON: Very well.</p>
Page 59	Page 61
<p>1 12.</p> <p>2 MS. ROMAN: Your Honor, this is Tracy</p> <p>3 Roman, it might be most useful for counsel to continue</p> <p>4 over the next couple of days to discuss the impact of</p> <p>5 that on the remaining days.</p> <p>6 SPECIAL MASTER POPPITI: I would agree</p> <p>7 with that. I think whatever you all come up with is</p> <p>8 certainly something that I'm going to have no problem</p> <p>9 with.</p> <p>10 MS. ROMAN: Obviously, this is all</p> <p>11 working within the confines of the existing trial dates.</p> <p>12 SPECIAL MASTER POPPITI: That's correct.</p> <p>13 I don't expect that Judge Farnan is going to want to be</p> <p>14 hearing from any of us with respect to that trial date.</p> <p>15 And the only question I would -- the only question I</p> <p>16 would raise with respect to logistics is it may be, as I --</p> <p>17 think about it, it may be more convenient to do the</p> <p>18 depositions in Washington, because if it's important for</p> <p>19 me to become involved, then it's easy for me to leave the</p> <p>20 pleasant rooms involving retreat and go back to the</p> <p>21 office and deal with whatever we have to deal with or</p> <p>22 come to the deposition site. So my preference would be</p> <p>23 that you do it in D.C.</p> <p>24 MR. MILLER: Okay. We will pick one of</p>	<p>1 MR. MILLER: Are you looking for more</p> <p>2 than factual information or are you looking for a full</p> <p>3 brief on the issue as well?</p> <p>4 SPECIAL MASTER POPPITI: It seems to me,</p> <p>5 for purposes of making the record, I need some submittal</p> <p>6 from you.</p> <p>7 MR. MILLER: Okay.</p> <p>8 SPECIAL MASTER POPPITI: And the reason</p> <p>9 why I need that is because if there becomes an issue</p> <p>10 about what I propose and do, then I want to make sure</p> <p>11 that there is a record for Judge Farnan.</p> <p>12 MR. MILLER: That's fine, Your Honor.</p> <p>13 SPECIAL MASTER POPPITI: So why don't I</p> <p>14 look for no more than five pages from either side with</p> <p>15 respect to the substance of the issue; namely, sanction,</p> <p>16 as requested, and accompanying that request from the</p> <p>17 defendants the affidavit to support the request.</p> <p>18 MR. CHRISTENSON: Your Honor, Cass</p> <p>19 Christenson.</p> <p>20 Just to clarify, my understanding is the</p> <p>21 only sanctions issue we are going to be briefing is fees</p> <p>22 and costs.</p> <p>23 SPECIAL MASTER POPPITI: That's correct.</p> <p>24 The only other request for sanction is for my</p>



## HEARING

17 (Pages 62 to 64)

Page 62	Page 64
<p>1 responsibility or my time standing ready, and I don't 2 think it would be appropriate for me to -- I don't want 3 to take that off the table, but I don't want to consider 4 that at this time. Let's see how the process works the 5 next time you are all at deposition. 6 MR. MERIDETH: Your Honor, this is Frank 7 Merideth. 8 I assume that the Tatung defendants also 9 may submit expenses? 10 SPECIAL MASTER POPPITI: Yes. 11 MR. MERIDETH: As well. Thank you. 12 SPECIAL MASTER POPPITI: Is there 13 anything else for business today, please? 14 MR. CHRISTENSON: Not from LPL, Your 15 Honor. 16 MR. MILLER: Not from ViewSonic. 17 MR. MERIDETH: Not from Tatung. 18 SPECIAL MASTER POPPITI: I neglected to 19 say this, the record is the order. However, it may be 20 appropriate for me to do what I have done, I guess the 21 past couple of times, is ask that there be a form of 22 order prepared, reviewed by LPL for form only. 23 And, again, I will defer to your 24 schedule, knowing that you have a lot on your plates. 1</p>	<p>1 CERTIFICATE 2 3 STATE OF DELAWARE: 4 NEW CASTLE COUNTY: 5 I, Ellen Corbett Hannum, a Notary Public within and 6 for the County and State aforesaid, do hereby certify 7 that the foregoing teleconference was taken before me, 8 pursuant to notice, at the time and place indicated; that 9 the statements made by participants were correctly 10 recorded in machine shorthand by me and thereafter 11 transcribed under my supervision with computer-aided 12 transcription; that the transcript is a true record of 13 the statements made by the participants; and that I am 14 neither of counsel nor kin to any party in said action, 15 nor interested in the outcome thereof. 16 WITNESS my hand and official seal this 21st day of 17 September A.D. 2007. 18 19 <u>Ellen Corbett Hannum, RMR, CMRS</u> 20 Notary Public - Reporter 21 Delaware Certified Shorthand Reporter 22 Certification No. 118-RPR 23 24</p>
Page 63	
<p>1 would like to see it in short order, but I don't want to 2 give you a deadline because I don't think you need one. 3 MR. MILLER: Your Honor, this is Scott 4 Miller. 5 I have, I guess, one other question. Do 6 you want some sort of status report in terms of dates? 7 Ms. Roman mentioned that obviously we have to discuss -- 8 SPECIAL MASTER POPPITI: Yes. 9 MR. MILLER: I thought maybe we could 10 give you next Tuesday, perhaps, at the end of the day. 11 SPECIAL MASTER POPPITI: Tuesday, close 12 of business is fine. If you want to do it first thing, 13 we can do that. And I guess I should say when I say, 14 "first thing," respecting California time -- I should 15 have said that yesterday -- we can do it at 10 o'clock. 16 10 o'clock Eastern. 17 MR. MILLER: That's fine. We will give 18 you a status report on where we stand on those dates. 19 SPECIAL MASTER POPPITI: Okay. 20 MR. MILLER: Thank you, Your Honor. 21 MR. CHRISTENSON: Thank you. 22 (The hearing concluded at 4:07 p.m.) 23 24</p>	